

Sec 19. The provisions of this law shall become effective on the first day of September, A. D., 1933, and shall remain effective thereafter.

#### FIFTY-EIGHTH DAY.

Senate Chamber,  
Austin, Texas.  
April 11, 1933

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

Prayer by Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

#### Petitions and Memorials.

(See Appendix.)

#### Committee Reports.

(See Appendix.)

#### Message From the Governor.

Executive Department,  
Austin, Texas, April 11, 1933  
To the Texas State Senate:

I request permission from the Senate to withdraw the nominations for membership on the State Board of Accountancy submitted to you in my message under date of March 29, 1933, as follows:

Hon. Frank L. Wilcox, Waco, McLennan County.

Hon. S. J. von Koenneritz, Austin, Travis County.

Hon. Robert F. Roberts, Beaumont, Jefferson County.

Hon. W. T. Chumney, San Antonio, Bexar County.

Hon. Victor Edward Buron, Texarkana, Bowie County.

In my said message, I submitted the name of Dr. J. E. Ulmer to be a member of the Board of Regents for State Teachers Colleges, an error being made in Dr. Ulmer's initials. I ask the advice and consent and confirmation by the Senate of the appointment of Dr. J. G. Ulmer to be a member of the Board of Regents for State Teachers Colleges.

Respectfully,

MIRIAM A. FERGUSON,  
Governor of Texas.

Read and referred to the Committee on Governor's Nominations.

#### Bills Signed.

The Chair, Lieutenant Governor Edgar E. Witt, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

S. B. No. 57                      S. B. No. 505  
S. B. No. 248

#### Message From the House.

Hall of the House of Representatives,  
Austin, Texas, April 11, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 319, A bill to be entitled "An Act prohibiting the buyer of baled cotton deducting from the value thereof because of lightness of weight, and fixing a penalty thereof."

H. B. No. 504, A bill to be entitled "An Act requiring any firm, corporation, or individual, handling in any way for use, sale, or manufacture, any form of powdered milk or milk substitutes, to secure an annual license from the Commissioner of Agriculture; defining terms for the purposes of this Act, and making certain exceptions; making it unlawful to handle for use, manufacture, or sale, or shipment, any form of filled milk; providing a penalty; establishing a rule of construction; and declaring an emergency."

S. B. No. 505, A bill to be entitled "An Act authorizing the Banking Commissioner of Texas, as statutory

receiver or liquidator, when any State bank or bank and trust company organized under the laws of the State of Texas voluntarily places itself in his hands for liquidation, or when he closes a State bank or bank and trust company and takes charge of same for the purpose of liquidating it, to borrow money from the Reconstruction Finance Corporation as created by Act of Congress of the United States, and to pledge any part or all of the assets of such closed bank or bank and trust company as collateral security for said loan, etc., and declaring an emergency."

Respectfully submitted,  
LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

#### House Bills Referred.

H. B. No. 319 referred to Committee on Agricultural Affairs.

H. B. No. 504 referred to Committee on Agricultural Affairs.

#### Senate Bill No. 98.

The Chair laid before the Senate as pending business S. B. No. 98 (Educational appropriations bill).

The question recurred upon the motion to reconsider the vote by which the amendment by Senator Purl was tabled.

Senator Holbrook moved to table the motion to reconsider. The motion to table prevailed.

Senator Moore sent up the following amendment:

Amend S. B. No. 98 by adding at the end of line 50 the following: "Provided that this paragraph shall not apply to teachers and/or instructors regularly employed as the head of a department or full-time instructors independent of his or her duties as instructor in athletics."

MOORE.

Read and adopted.

Senator DeBerry asked to be recorded as voting "Nay."

Senator Moore sent up the following amendment:

Amend S. B. No. 98 by adding thereto the following on page 6 between lines 50 and 51-b of the printed bill:

It shall be unlawful for any officer, and/or employee of any State educational institution to own or control, directly or indirectly, any financial, working or other interest

in any business or profession that draws its support in whole or in part from the officers, employees, students or inmates of any State institution of any kind or character, wherever located.

(A) Business or profession shall be construed to mean any boarding house, rooming house, hotel, cafe, cafeteria, retail business of any nature whatever, or any professional business of any kind or character.

Any person having an interest in any business or profession referred to in Section 1 of this Act shall not be eligible for employment by the State, and any person now in the employ of the State having, owning or controlling any interest in violation of Section 1 shall dispose of such interest within six months after approval of this Act.

Sec. 3. Any person violating the provisions of this Act shall be liable to the State in a sum double the amount received from the State during the period such offense was committed, and all moneys received hereunder shall be deposited in the State Treasury to the credit of the general revenue fund.

Every person who violates any provision of this Act shall be guilty of a misdemeanor involving official misconduct and upon conviction shall be removed from office. Offenders who may be removed from office only by impeachment may be tried by the Senate in accordance with the provisions of the Constitution relating to impeachment, and a violation of any provision of this Act shall be deemed of sufficient gravity to authorize the impeachment and removal from office of any offender. Other offenders shall be tried in the court having jurisdiction of such offenses.

MOORE.

The amendment was read.

Senator Holbrook moved to table the amendment. The motion prevailed by the following vote:

Yeas—21.

Beck.	Neal.
Blackert.	Oneal.
Cousins.	Pace.
Duggan.	Parr.
Fellbaum.	Patton.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.

Sanderford.  
Small.  
Stone.

Woodruff.  
Woodward.

Nays—8.

Collie.  
DeBerry.  
Hornsby.  
Martin.

Moore.  
Murphy.  
Poage.  
Purl.

Absent.

Rawlings.

Woodul.

Senator Martin sent up the following amendment:

Amend S. B. No. 98 by adding after the word "universities" in line 29, page 6, the following: "After the State Auditor and Efficiency Expert shall have ordered the use of said suggested forms."

MARTIN.

The amendment was read.

Senator Holbrook moved to table the amendment. The motion prevailed by the following vote:

Yeas—16.

Beck.	Neal.
Cousins.	Patton.
Duggan.	Redditt.
Fellbaum.	Regan.
Greer.	Sanderford.
Holbrook.	Small.
Hopkins.	Woodruff.
Hornsby.	Woodward.

Nays—13.

Blackert.	Pace.
Collie.	Parr.
DeBerry.	Poage.
Martin.	Purl.
Moore.	Russek.
Murphy.	Stone.
Oneal.	

Absent.

Rawlings.

Woodul.

Senator Purl sent up the following amendment:

Amend S. B. No. 98 by adding thereto a new section to read as follows:

Sec. 3. (-8-) "Upon the failure of any executive head of an educational institution to send in the estimate as required by Article 642 of the Revised Civil Statutes of 1925, by the first day of April, of each year, the Board of Control shall notify the State Comptroller of such

failure and the Comptroller shall refuse to issue any further vouchers for the salaries for that particular educational institution until said estimate is filed with Board of Control."

PURL.

Senator Holbrook moved the previous question on the pending amendment and the further consideration of the bill. The motion was lost by the following vote:

Yeas—13.

Blackert.	Sanderford.
Cousins.	Small.
Fellbaum.	Stone.
Holbrook.	Woodruff.
Hopkins.	Woodul.
Redditt.	Woodward.
Regan.	

Nays—18.

Beck.	Neal.
Collie.	Oneal.
DeBerry.	Pace.
Duggan.	Parr.
Greer.	Patton.
Hornsby.	Poage.
Martin.	Purl.
Moore.	Rawlings.
Murphy.	Russek.

The amendment was read and adopted.

Senator Martin sent up the following amendment:

Amend S. B. No. 98 by striking out of said bill at each and every place where it appears the following:

"Summer schools," "summer sessions," "Salaries and Maintenance," and all moneys appropriated by said bill to support the same or any part thereof.

MARTIN.

The amendment was read.

Recess.

On motion of Senator Purl, the Senate, at 11:49 o'clock a. m., recessed until 2 o'clock p. m.

After Recess.

The Senate met at 2 o'clock p. m., pursuant to recess, and was called to order by Lieutenant Governor Edgar E. Witt.

Point of No Quorum.

Senator Rawlings raised the point of order that a quorum was lacking. The roll call showed 23 present.

**Senate Bill No. 98.**

The question recurred upon the pending amendment (by Senator Martin) to S. B. No. 98.

Senator Holbrook moved to table the amendment. The motion prevailed.

Senator Collie sent up the following amendment:

Amend S. B. No. 98 by striking out the figures \$14,625.00 and \$14,625.00 in line 8, page 3, and insert in lieu thereof the figures \$13,000.00 and \$13,000.00.

**COLLIE.**

The amendment was read.

Senator Holbrook moved to table the amendment. The motion prevailed.

Senator Holbrook moved to reconsider the vote by which the amendment by Senator Martin was tabled. The motion prevailed.

The motion to table the amendment prevailed by the following vote:

**Yeas—22.**

Beck.	Patton.
Blackert.	Rawlings.
Duggan.	Redditt.
Fellbaum.	Regan.
Holbrook.	Russek.
Hornsby.	Sanderford.
Moore.	Small.
Neal.	Stone.
Oneal.	Woodruff.
Pace.	Woodul.
Parr.	Woodward.

**Nays—5.**

Collie.	Murphy.
DeBerry.	Purl.
Martin.	

**Absent.**

Cousins.	Hopkins.
Greer.	Poage.

Senator Martin sent up the following amendment:

Amend S. B. No. 98, page 4, by striking out all between line 5 and line 13.

**MARTIN.**

The amendment was read.

Senator Holbrook moved to table the amendment. The motion prevailed by the following vote:

**Yeas—24.**

Beck.	Parr.
Blackert.	Patton.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Moore.	Small.
Murphy.	Stone.
Neal.	Woodruff.
Oneal.	Woodul.
Pace.	Woodward.

**Nays—4.**

Collie.	Martin.
DeBerry.	Purl.

**Absent.**

Cousins.	Poage.
Greer.	

Senator Collie sent up the following amendment:

Amend S. B. No. 98 by striking out the figures \$7,650.00 and \$7,650.00 in line 9, page 3, and insert in lieu thereof the figures \$4,000.00 and \$4,000.00.

**COLLIE.**

The amendment was read.

Senator Redditt moved to table the amendment. The motion prevailed by the following vote:

**Yeas—22.**

Beck.	Parr.
Cousins.	Patton.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Holbrook.	Regan.
Hopkins.	Sanderford.
Hornsby.	Small.
Moore.	Stone.
Neal.	Woodruff.
Oneal.	Woodul.
Pace.	Woodward.

**Nays—5.**

Blackert.	Martin.
Collie.	Purl.
DeBerry.	

**Absent.**

Greer.	Poage.
Murphy.	Russek.

Senator Collie sent up the following amendment:

Amend S. B. No. 98 by striking out the figures \$13,125.00 and

\$13,125.00 in line 16, page 3, and insert in lieu thereof the figures \$9,000.00 and \$9,000.00.

COLLIE.

The amendment was read.

Senator Redditt moved to table the amendment. The motion prevailed.

Senator Purl moved to reconsider the vote by which the amendment was tabled.

Senator Holbrook moved to table the motion to reconsider. The motion to table prevailed by the following vote:

Yeas—23.

Blackert.	Patton.
Cousins.	Rawlings.
Duggan.	Redditt.
Fellbaum.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Moore.	Stone.
Neal.	Woodruff.
Oneal.	Woodul.
Pace.	Woodward.
Parr.	

Nays—5.

Collie.	Murphy.
DeBerry.	Purl.
Martin.	

Absent.

Beck.	Poage.
Greer.	

Senator Collie sent up the following amendment:

Amend S. B. No. 98 by striking out the figures \$18,862.50 and \$18,862.50 in line 8, page 4, of the bill and substitute therefor the figures \$13,834.00 and \$13,834.00.

COLLIE.

The amendment was read.

Senator Holbrook moved to table the amendment. The motion prevailed by the following vote:

Yeas—24.

Blackert.	Parr.
Cousins.	Patton.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Pace.	Woodward.

Nays—4.

Collie.	Martin.
DeBerry.	Purl.

Absent.

Beck.	Poage.
Oneal.	

Senator Collie sent up the following amendment:

Amend S. B. No. 98 by striking out the figures \$4800.00 and \$4800.00 in line 10, page 4, of the bill and insert in lieu thereof the figures \$4000.00 and \$4000.00.

COLLIE.

The amendment was read.

Senator Holbrook moved to table the amendment. The motion prevailed by the following vote:

Yeas—22.

Duggan.	Patton.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Moore.	Small.
Murphy.	Stone.
Neal.	Woodruff.
Oneal.	Woodul.
Pace.	Woodward.

Nays—5.

Blackert.	Martin.
Collie.	Purl.
DeBerry.	

Absent.

Beck.	Parr.
Cousins.	Poage.

Senator Collie sent up the following amendment:

Amend S. B. No. 98 by striking out the figures \$6950.00 and \$6950.00 in line 46, page 4, and insert in lieu thereof the figures \$4814.00 and \$4814.00.

COLLIE.

The amendment was read.

Senator Holbrook moved to table the amendment. The motion prevailed by the following vote:

Yeas—24.

Beck.	Duggan.
Blackert.	Fellbaum.
Cousins.	Greer.

Holbrook.  
Hopkins.  
Hornsby.  
Moore.  
Neal.  
Oneal.  
Pace.  
Parr.  
Rawlings.

Redditt.  
Regan.  
Russek.  
Sanderford.  
Small.  
Stone.  
Woodruff.  
Woodul.  
Woodward.

Nays—5.

Collie.  
DeBerry.  
Martin.

Murphy.  
Purl.

Absent.

Patton.  
Poage.

Senator Collie sent up the following amendment:

Amend S. B. No. 98 by striking out the figures \$68,175.00 and \$68,175.00 in line 56, page 3, and insert in lieu thereof the figures \$65,000.00 and \$65,000.00.

COLLIE.

The amendment was read.

Senator Holbrook moved to table the amendment. The motion prevailed by the following vote:

Yeas—25.

Beck.  
Blackert.  
Duggan.  
Fellbaum.  
Greer.  
Holbrook.  
Hopkins.  
Hornsby.  
Moore.  
Murphy.  
Neal.  
Oneal.  
Pace.

Parr.  
Patton.  
Rawlings.  
Redditt.  
Regan.  
Russek.  
Sanderford.  
Small.  
Stone.  
Woodruff.  
Woodul.  
Woodward.

Nays—4.

Collie.  
DeBerry.

Martin.  
Purl.

Absent.

Cousins.  
Poage.

Senator Holbrook moved the previous question on the pending amendments and the further consideration of the bill. The motion prevailed.

The Chair laid before the Senate the following amendments:

Amend S. B. No. 98, line 8, page 5 of the printed bill, by striking out the figures \$12,000.00 and

\$12,000.00 and insert in lieu thereof the figures \$11,500.00 and \$11,500.00.

COLLIE.

Read and lost by the following vote:

Yeas—5.

Collie.  
DeBerry.  
Martin.

Poage.  
Purl.

Nays—25.

Beck.  
Blackert.  
Duggan.  
Fellbaum.  
Greer.  
Holbrook.  
Hopkins.  
Hornsby.  
Moore.  
Murphy.  
Neal.  
Oneal.  
Pace.

Parr.  
Patton.  
Rawlings.  
Redditt.  
Regan.  
Russek.  
Sanderford.  
Small.  
Stone.  
Woodruff.  
Woodul.  
Woodward.

Absent.

Cousins.

Amend S. B. No. 98, line 24, page 5, by striking out the figures \$9000.00 and \$9000.00 and insert in lieu thereof the figures \$7640.00 and \$7640.00.

COLLIE.

Read and lost by the following vote:

Yeas—5.

Collie.  
DeBerry.  
Martin.

Poage.  
Purl.

Nays—25.

Beck.  
Blackert.  
Duggan.  
Fellbaum.  
Greer.  
Holbrook.  
Hopkins.  
Hornsby.  
Moore.  
Murphy.  
Neal.  
Oneal.  
Pace.

Parr.  
Patton.  
Rawlings.  
Redditt.  
Regan.  
Russek.  
Sanderford.  
Small.  
Stone.  
Woodruff.  
Woodul.  
Woodward.

Absent.

Cousins.

Amend S. B. No. 98 by striking out the figures \$5625.00 and

\$5625.00 in line 33, page 5, of the printed bill, and insert in lieu thereof the figures \$5111.00 and \$5111.00.

COLLIE.

Read and lost by the following vote:

Yeas—6.

Blackert.	Martin.
Collie.	Poage.
DeBerry.	Purl.

Nays—25.

Beck.	Parr.
Cousins.	Patton.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Pace.	

Amend S. B. No. 98, line 34, page 5, of the bill by striking out the figures \$2550.00 and \$2550.00 and insert in lieu thereof the figures \$250.00 and \$250.00.

COLLIE.

Read and lost by the following vote:

Yeas—7.

Blackert.	Poage.
Collie.	Purl.
DeBerry.	Woodul.
Martin.	

Nays—24.

Beck.	Pace.
Cousins.	Parr.
Duggan.	Patton.
Fellbaum.	Rawlings.
Greer.	Redditt.
Holbrook.	Regan.
Hopkins.	Russek.
Hornsby.	Sanderford.
Moore.	Small.
Murphy.	Stone.
Neal.	Woodruff.
Oneal.	Woodward.

Amend S. B. No. 98, line 40, page 5, of the bill, by striking out the figures \$9600.00 and \$9600.00 and insert in lieu thereof the figures \$6236.00 and \$6236.00.

COLLIE.

Read and lost by the following vote:

Yeas—6.

Blackert.	Martin.
Collie.	Poage.
DeBerry.	Purl.

Nays—25.

Beck.	Parr.
Cousins.	Patton.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Pace.	

Amend S. B. No. 98, Section 3, page 6, line 11, by inserting after the word "session" the figures 1932-1933.

DUGGAN.

Read and adopted.

The bill was passed to engrossment by the following vote:

Yeas—27.

Beck.	Pace.
Blackert.	Parr.
Cousins.	Patton.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

Nays—4.

Collie.	Poage.
DeBerry.	Purl.

On motion of Senator Holbrook, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 98 was put on its third reading and final passage by the following vote:

Yeas—31.

Beck.	Duggan.
Blackert.	Fellbaum.
Collie.	Greer.
Cousins.	Holbrook.
DeBerry.	Hopkins.

Hornsby.	Rawlings.
Martin.	Redditt.
Moore.	Regan.
Murphy.	Russek.
Neal.	Sanderford.
Oneal.	Small.
Pace.	Stone.
Parr.	Woodruff.
Patton.	Woodul.
Poage.	Woodward.
Purl.	

Read third time and finally passed by the following vote:

**Yeas—27.**

Beck.	Pace.
Blackert.	Parr.
Cousins.	Patton.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

**Nays—4.**

Collie.	Poage.
DeBerry.	Purl.

**Free Conference Granted.**

On motion of Senator Poage, the Senate granted the request of the House for a free conference committee on H. B. No. 150.

The Chair appointed the following on the part of the Senate:

Senators Poage, Moore, Oneal, Sanderford, Pace.

**House Bill No. 28.**

The Chair laid before the Senate as pending business the following bill:

By Mr. Alsop et al.:

H. B. No. 28, A bill to be entitled "An Act to amend Article 4604 of the Revised Civil Statutes of 1925, as amended by the Acts of 1929, Forty-first Legislature, Chapter 114, so as to provide that persons who desire to marry shall procure from the county clerk a license directed to all persons authorized by law to celebrate the rites of matrimony, and that said license shall be sufficient to celebrate such marriage, etc., and declaring an emergency."

Senator Greer raised the point of order that S. B. No. 242, an appropriation bill, had right of way over pending business.

The Chair, President Pro Tem. Walter Woodul, overruled the point of order, holding that S. B. No. 242 was not a general appropriation bill.

**Special Order Set.**

Senator Greer asked unanimous consent to set S. B. No. 242 as special order immediately following pending business.

Objection was heard.

Senator Greer moved to set S. B. No. 242 as special order Monday at 2 p. m. The motion prevailed.

**House Bill No. 28.**

The question recurred upon H. B. No. 28.

Senator Purl sent up the following amendment:

Amend H. B. No. 28, second paragraph, line one after the words "who desire to marry" by inserting the following: "shall both appear in person, at the same time at the office of the county clerk and."

**PURL.**

The amendment was read.

Senator Hornsby moved to table the amendment. The motion prevailed by the following vote:

**Yeas—18.**

Blackert.	Oneal.
Collie.	Parr.
Cousins.	Patton.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Holbrook.	Regan.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.

**Nays—13.**

Beck.	Poage.
DeBerry.	Purl.
Greer.	Russek.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Pace.	

Senator Purl sent up the following amendment:

Amend H. B. No. 28, Section 2, line one by striking out the figures and letter "4604-b."

**PURL.**

The amendment was read.



Senator Hornsby moved to table the amendment. The motion prevailed by the following vote:

Yeas—17.

Blackert.	Neal.
Cousins.	Oneal.
DeBerry.	Parr.
Duggan.	Redditt.
Fellbaum.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Murphy.	

Nays—13.

Beck.	Purl.
Collie.	Rawlings.
Greer.	Stone.
Martin.	Woodruff.
Moore.	Woodul.
Pace.	Woodward.
Poage.	

Absent.

Patton.

Senator Purl sent up the following amendment:

Amend H. B. No. 28, Section 2, line one by striking out the figures and letter "4604-c."

PURL.

The amendment was read.

Senator Hornsby moved to table the amendment. The motion was lost by the following vote:

Yeas—11.

Blackert.	Parr.
DeBerry.	Regan.
Duggan.	Russek.
Holbrook.	Sanderford.
Hopkins.	Small.
Hornsby.	

Nays—18.

Beck.	Pace.
Collie.	Poage.
Fellbaum.	Purl.
Greer.	Rawlings.
Martin.	Redditt.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Present—Not Voting.

Patton.

Absent.

Cousins.

The amendment was adopted.

Senator Purl sent up the following amendment:

Amend H. B. No. 28 by amending the caption to conform to the bill as amended in the Senate.

PURL.

Read and adopted.

Senator Neal sent up the following amendment:

Amend the Amendment No. 1 to H. B. No. 28 by striking out "4604-A."

NEAL.

Read and adopted.

Senator Woodruff sent up the following amendment:

Amend H. B. No. 28 by adding a new section No. ..., as follows:

"Sec. ... No intermarriage of citizens of this State shall be lawful and valid where such marriage is consummated after the effective date unless or until the statutes relating to marriage in this State shall have been complied with within this State or until such contracting parties shall have been married in accordance with the laws of another State in respect thereto and shall have lived together as husband and wife without this State not less than six months next preceding their return to this State. Persons living together in violation hereof shall be answerable to and governed by the laws of this State with reference to common law marriage in all matters relating to their legal marital rights."

WOODRUFF.

The amendment was read.

Senator Neal moved to table the amendment. The motion prevailed.

The bill was passed to third reading by the following vote:

Yeas—17.

Blackert.	Neal.
Cousins.	Oneal.
DeBerry.	Parr.
Duggan.	Patton.
Holbrook.	Redditt.
Hopkins.	Regan.
Hornsby.	Russek.
Moore.	Small.
Murphy.	

Nays—14.

Beck.	Greer.
Collie.	Martin.
Fellbaum.	Pace.

Poage.	Stone.
Purl.	Woodruff.
Rawlings.	Woodul.
Sanderford.	Woodward.

On motion of Senator Neal, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 28 was put on its third reading and final passage by the following vote:

Yeas—27.

Beck.	Oneal.
Blackert.	Pace.
Collie.	Parr.
Cousins.	Patton.
DeBerry.	Poage.
Duggan.	Redditt.
Fellbaum.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	

Nays—3.

Greer.	Woodward.
Rawlings.	

Present—Not Voting.

Purl.

Read third time and finally passed by the following vote:

Yeas—16.

Blackert.	Murphy.
Cousins.	Neal.
DeBerry.	Oneal.
Duggan.	Parr.
Holbrook.	Redditt.
Hopkins.	Regan.
Hornsby.	Russek.
Moore.	Small.

Nays—14.

Beck.	Purl.
Collie.	Rawlings.
Fellbaum.	Sanderford.
Greer.	Stone.
Martin.	Woodruff.
Pace.	Woodul.
Poage.	Woodward.

Absent.

Patton.

Senate Bill No. 299.

The Chair laid before the Senate on its second reading, as special order, the following bill:

By Senator Moore:

S. B. No. 299, A bill to be entitled "An Act amending Article 7065 of the Revised Statutes of 1925, as amended by Chapter 93, Acts of the Regular Session of the Fortieth Legislature and further amended by Chapter 88, Acts of the Second Called Session of the Forty-first Legislature, 1929, the latter Act being more specifically designated as H. B. No. 6, Second Called Session of the Forty-first Legislature, regulating the distribution of automobile license fees by allocating said fees to certain counties, and declaring an emergency."

Read second time.

Special Order Set.

Senator Woodruff received unanimous consent to set S. B. No. 204 as special order for Tuesday morning immediately following the morning call.

Adjournment.

Senator Woodul moved to recess until 8 o'clock tonight.

Senator Greer moved to adjourn until 10 o'clock tomorrow morning. The motion prevailed by the following vote:

Yeas—16.

Beck.	Martin.
Blackert.	Oneal.
Cousins.	Patton.
DeBerry.	Poage.
Fellbaum.	Russek.
Greer.	Small.
Holbrook.	Stone.
Hopkins.	Woodward.

Nays—15.

Collie.	Purl.
Duggan.	Rawlings.
Hornsby.	Redditt.
Moore.	Regan.
Murphy.	Sanderford.
Neal.	Woodruff.
Pace.	Woodul.
Parr.	

At 6:42 o'clock p. m. the Senate adjourned.

## APPENDIX.

### Petitions and Memorials.

Dallas, Texas, April 10, 1933.

My Dear Mr. Barker:

Please express to the members of the Senate of Texas and their presiding officer, Lieutenant Governor Edgar E. Witt, the deep appreciation

which my father, Barry Miller, and all the members of our family feel at their gracious gesture in passing the resolution on his recent accident and in sending the beautiful flowers to him at the hospital. I am sure my father will want to thank you all in person later, but in the meantime we want you to know how much your kindness and sympathy has meant to him and to us.

Faithfully yours,  
EVELYN MILLER PIERCE.

#### Committee on Enrolled Bills.

Committee Room,  
Austin, Texas, April 10, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 248 carefully examined and compared, and find same correctly enrolled.

GREER, Chairman.

Committee Room,  
Austin, Texas, April 10, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 57 carefully examined and compared, and find same correctly enrolled.

GREER, Chairman.

Committee Room,  
Austin, Texas, April 11, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 505 carefully examined and compared, and find same correctly enrolled.

GREER, Chairman.

#### Committee on Engrossed Bills.

Committee Room,  
Austin, Texas, April 10, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 300 carefully examined and compared, and find same correctly engrossed.

REGAN, Chairman.

#### Committee Reports.

Committee Room,  
Austin, Texas, April 11, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Insurance, to whom was referred

S. B. No. 404, A bill to be entitled "An Act to amend Article 4914, Re-

vised Civil Statutes, 1925, by adding thereto the provision that no dividend shall be paid to any policyholder in any other State until same has been approved by the Board of Insurance Commissioners and same shall not be approved until such company, exchange or association has set up and maintained reserves adequate to meet anticipated losses, carry all claims to maturity and policies to termination upon workmen's compensation and employers' liability policies issued under the laws of Texas or any other State, which reserves shall be computed in accordance with such uniform rules as shall be approved by the Board of Insurance Commissioners; substitution for the word 'Commission' the words 'Board of Insurance Commissioners;' and substitution for the word 'subscribers' the word 'policyholders;' so that such article, as amended, shall provide that nothing in this chapter shall be construed to prohibit the operation of any stock company, mutual company, reciprocal or inter-insurance exchange, or Lloyd's association; to prohibit any of the above named issuing participating policies, provided no dividend to policyholders in this or any other State under workmen's compensation or employers' liability law shall take effect or be paid until the approval by the Board of Insurance Commissioners; and no such dividend shall be approved until such company, exchange or association has set up and maintained reserves adequate to meet anticipated losses, carry all claims to maturity and policies to termination upon all its workmen's compensation and employers' liability policies issued under the laws of Texas or any other State, which reserves shall be in accordance with such uniform rules as shall be approved by the Board of Insurance Commissioners, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, as amended, and be printed.

PURL, Chairman.

Committee Room,  
Austin, Texas, April 11, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Insurance, to whom was referred

S. B. No. 403, A bill to be entitled "An Act to amend Sections 6 and 7 of Article 5026 and Article 5029 of the Revised Civil Statutes of the State of Texas, 1925, by requiring reciprocal insurance carriers or inter-insurance exchanges before engaging in writing liability or workmen's compensation insurance to have not less than fifty separate risks having a total payroll covering not less than two thousand employees; providing that no workmen's compensation contracts shall be issued until a list of the subscribers with the number of employees of each together with such information as the Board of Insurance Commissioners may require shall have been filed with the Board nor until the attorney-in-fact shall have certified under oath that every subscriber on the list so filed is genuine and made with an agreement with each subscriber that he will take the contract so subscribed for by him within thirty days of the granting of the license by the Board to the exchange to issue indemnity contracts, and providing that said reciprocal shall at the time of its organization have and maintain at all times thereafter cash and invested assets of not less than fifty thousand dollars, if it be a casualty insurance carrier, and not less than twenty thousand dollars if it shall be other than a casualty insurance carrier, and not less than seventy thousand dollars if it be both; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, as amended, and be printed.

PURL, Chairman.

#### Committee Amendment No. 1.

Amend S. B. No. 403 by striking out all below the enacting clause and substituting in lieu thereof the following:

Section 1. That Section 7 of Article 5026, and Article 5029 of the Revised Civil Statutes of the State of Texas, 1925, be and are hereby amended so as to hereafter read as follows:

Article 5026. Declaration of Subscribers.—Such subscribers, so contracting among themselves, shall, through their attorney, file with the

Commissioner a declaration verified by the oath of such attorney, setting forth:

1. The name or the title of the office at which subscribers propose to exchange such indemnity contracts; said name or title shall not be so similar to any other name or title previously adopted by a similar organization, or by any insurance corporation or association, as in the opinion of such Commissioner is calculated to confuse or deceive. The office or offices through which such indemnity contracts shall be exchanged shall be classified as reciprocal or inter-insurance exchanges.

2. The kind or kinds of insurance to be effected or exchanged.

3. A copy of the form of policy, contract, or agreement under or by which such insurance is to be effected or exchanged.

4. A copy of the form of power of attorney or authority of such attorney under which such insurance is to be effected or exchanged.

5. The location of the office or offices from which such contracts or agreements are to be issued.

6. That applications have been made for indemnity upon at least seventy-five separate risks, aggregating not less than one-half million dollars as represented by executed contracts or bona fide applications to become concurrently effective, or in case of liability or compensation insurance, covering a total payroll of not less than two thousand employees.

7. The attorney-in-fact for said exchange shall have and at all times maintain cash and invested assets of not less than fifty thousand dollars, if it be a casualty insurance carrier, and not less than twenty thousand dollars if it shall be other than a casualty insurance carrier, and not less than seventy thousand dollars if it be both.

Article 5029. Reserve. There shall at all times be maintained as a reserve a sum in cash or convertible securities equal to one-half of the aggregate net annual deposits collected and credited to the accounts of the subscribers on policies having one year or less to run and pro rata on those for longer periods. For the purpose of said reserve, net annual deposits shall mean the advance payments of subscribers after deducting therefrom the amounts

specifically provided in the subscribers' agreements for expenses and re-insurance. Said sum shall at no time be less than fifty thousand dollars, if it be a casualty insurance carrier only, and not less than twenty thousand dollars if it be other than a casualty insurance carrier, and not less than seventy thousand dollars if it be both, and if at any time one-half of the aggregate deposits so collected and credited shall not equal said respective amounts, then the subscribers, or their attorney for them, shall make up any deficiency. Said reserves shall be held in cash or securities in which stock fire and casualty insurance companies are under the Texas law authorized to invest. All insurance carriers writing insurance upon the provisions of this chapter under permit granted by the Board of Insurance Commissioners of Texas, on or prior to March 1, 1933, may have until December 31, 1935, to meet said reserve requirements.

Sec. 2. The fact that there is no law in this State now requiring adequate cash and invested assets to be held by, or prescribing in what types of securities said reserves shall be invested by reciprocal or inter-insurance exchanges doing business in the State of Texas, creates an emergency and an imperative public necessity requiring that the constitutional rule providing that bills be read on three several days in each House, be suspended, and such rule is hereby suspended, and this bill shall take effect and be in full force and effect from and after its passage and approval and it is so enacted.

#### Committee Amendment No. 2.

Amend S. B. No. 403 by striking all above the enacting clause and inserting in lieu thereof the following caption:

An Act to amend Section 7 of Article 5026 and Article 5029 of the Revised Civil Statutes of the State of Texas, 1925, by requiring reciprocal or inter-insurance exchanges to have and at all times maintain cash and invested assets of not less than fifty thousand dollars, if it be a casualty insurance carrier, and not less than twenty thousand dollars if it be other than a casualty insurance carrier, and not less than seventy

thousand dollars if it be both; providing that the reserves provided for in Article 5029 shall at no time be less than fifty thousand dollars if it be a casualty insurance carrier, and not less than twenty thousand dollars if it be other than a casualty insurance carrier, and not less than seventy thousand dollars if it be both; providing that in case of deficiency in said reserves, the subscribers, or their attorney-in-fact, shall make up the deficiency; providing that said reserves shall be held in cash or in securities in which stock fire and casualty insurance companies are under the Texas law authorized to invest; providing that all insurance carriers operating under this chapter and holding a permit granted by the Board of Insurance Commissioners of Texas on or prior to March 1, 1933, shall have until December 31, 1935, to meet said reserve requirements, and declaring an emergency.

#### FIFTY-NINTH DAY.

Senate Chamber,  
Austin, Texas,  
April 12, 1933.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Moore.	Woodruff.
Murphy.	Woodul.
Neal.	Woodward.
Oneal.	

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.